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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

3. REAL PROPERTY AND
IMPROVEMENTS IDENTIFIED BY
MENDOCINO COUNTY APN 051-180-09,
051-180-10, et. al,

Defendants.

Paul Sayers, Graeson Prescott, Diana
Mendes

Claimants.

No. CV 08-3093 WHA

STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
~~PROPOSED~~ ORDER

CMC Date January 27, 2011
Time: 11:00 a.m.

Courtroom 11, 19th Floor

Plaintiff, United States of America and claimants, Graeson Prescott and Paul Sayers,
by and through their respective attorneys, respectfully submit this request to continue the Case
Management Conference currently set for January 27, 2011. The parties stipulate and request a
continuance for the reason set forth below.

The court was previously advised that claimants Prescott and Sayers have entered into
plea agreements in a related criminal case in which they have agreed to forfeit one of the defendant

1 properties to which they filed a claim in this civil forfeiture action (real property and improvements
 2 identified as APN #051-180-09). The parties have also agreed to a proposed settlement in this civil
 3 forfeiture action. A copy of the proposed settlement agreement between the United States and
 4 claimants Prescott and Sayers is attached hereto as Exhibit A. The parties anticipated the settlement
 5 agreement would be presented to the court on or before December 9, 2010. However, on December,
 6 8, 2010, counsel for the United States and claimants Prescott and Sayers discovered that there is not
 7 a separate legal description for the specific parcel (APN #051-180-09) that claimants Prescott and
 8 Sayers have agreed to forfeit. The only legal description available combines APN # 051-180-09 and
 9 APN #051-180-10. The legal description of both parcels appears to have been combined when
 10 Mendocino County renumbered the parcels. Without a specific legal description of the property to
 11 be forfeited, a final order of forfeiture can not be entered in this case. Accordingly, the United States
 12 requested the United States Marshal's Service to obtain a separate legal description of APN #051-
 13 180-09. As of January 20, the date when the Case Management Conference Statement must be filed,
 14 the Marshal's Service has not been able to provide a new legal description of the property to be
 15 forfeited to the United States. The parties note that parcel number APN #051-180-09 is an extremely
 16 rural parcel, consisting of steep terrain, that can only be accessed via a dirt road. During the wet
 17 winter months access is extremely difficult.

18 The parties respectfully request that the case management conference set for January 27,
 19 2011, be continued for an additional 30 days to allow the United States Marshal's to obtain a legal
 20 description of APN #051-180-09. If the legal description becomes available before that date, the
 21 parties will submit the attached settlement agreement for the Court's approval and the case, as it
 22 pertains to claimants Prescott and Sayers, will be over.

23 Claimant Diana Mendes does not object to the continuance.

24
 25 DATED: January 20, 2011

26 _____/s/
 27 SUSAN B. GRAY
 28 Assistant United States Attorney

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1 DATED: January 20, 2011

2 _____/s/
3 EUGENE DENSON
4 Attorney for Graeson Prescott

5 DATED: January 20, 2011

6 _____/s/
7 MARK HARRIS
8 Attorney for Claimant Paul Sayers

9 DATED: January 20, 2011

10 _____/s/
11 JONATHAN HOWDEN
12 Attorney for Claimant Diana Mendes

13 **[PROPOSED] ORDER**

14 BASED ON THE FOREGOING STIPULATION, THE CASE MANAGEMENT
15 CONFERENCE SCHEDULED FOR JANUARY 27, AT 11:00 A.M. IS CONTINUED TO
16 February 17, 2011 AT 11:00 AM.

17 IT IS SO ORDERED

18 _____
19 HONORABLE WILLIAM A. ALSUP
20 United States District Judge

